

EXHIBIT B

1 Jun Dam (*Pro Se*)
2 John Winslow (*Pro Se*)

The Honorable Chief Judge Stanley A Bastian

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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF WASHINGTON**
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12 Jun Dam, et al., Appellants

13 v.

14 Mark Waldron, 7 Trustee, Appellee
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Case No. 20-cv-00391-SAB

**MEMORANDUM IN SUPPORT OF
MOTION FOR STAY PENDING
APPEAL OF ORDER (I)
APPROVING THE SALE OF MOSES
LAKE EQUIPMENT AND RELATED
RELIEF, (II) APPROVING BID
PROCEDURES**

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19
20
21 **MEMORANDUM**
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23 Attached exhibits clearly demonstrate customer ownership of mining machines as well as Trustee
24 Mark D. Waldron and his attorney Pamela Egan's foreknowledge of the ownership of customer
25 mining machines despite Trustee's testimony (Exhibit H - Transcript of Hearing 10/19/20) to the
26 contrary under oath with penalty of perjury.

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1 Exhibit A below are pages 1 and 24 out of 268 pages of the Giga Watt Inc. inventory list
2 titled 'AMS Inventory' that the Trustee sent to the counsel for the Official Committee of
3 Unsecured Creditors ("OCUC") on June 4th 2019. Note the OCUC is currently dissolved. The
4 AMS inventory list includes 11,712 mining machines with the following labels: ASSET,
5 Identifier, TYPE, Room , ACCT. The ACCT refers to the customer account categorized by email
6 address. For example on the second page of Exhibit A (ie. page 24 of AMS Inventory), the email
7 address sg_personal@live.com is listed under ACCT and refers to Scott Glasscock's customer
8 account and clearly shows all the relevant information about the ownership and location of his
9 mining machines. Hundreds of customers are identified by email addresses on the inventory list,
10 but email addresses are redacted in Exhibit A excerpts for privacy. Exhibit F shows the entire
11 AMS Inventory list and is also redacted for privacy. Exhibit G shows a photo of mining
12 machines with their corresponding ASSET tags with barcodes listed on the AMS Inventory list.

13 Exhibit B below is an email dated May 12th, 2020 from former general manager George
14 Turner that clearly demonstrates customer ownership of mining machines (ie. 'specific servers')
15 and contradicts Trustee's testimony:

16 "Also, documentation demonstrating purchases of specific servers by specific clients
17 was, and perhaps still is, stored on GW servers, Woo Commerce servers, and GW's
18 Google Docs account. **As I informed the trustees when I was helping to show them**
19 **around the Pangborn site**, following the initiation of bankruptcy, there were (and
20 still are), former GW employees who can navigate those servers if given access. **The**
21 **records stored there clearly link specific servers to their purchasers**, and should
22 include at least an email address to contact the purchaser." (emphasis added)

23 Exhibit C below is an email from Trustee's attorney Pamela Egan dated May 3rd,
24 2019 to former OCUC counsel Dominique Scalia that clearly acknowledges that Token
25 Holders and Miner Owners did not waive future rights by not objecting to reopening Moses
26 Lake:

"The Trustee hereby represents that in no filing has the Trustee purported to determine any
potential issues regarding the characterization of potential claims held by the Committee's
class members, including but not limited to rights of Token Holders and/or Miner Owners.

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1 The Trustee also acknowledges that by not objecting to the motion to approve the Moses
2 Lake re-opening, no creditor is waiving any future rights to reimbursement that would be
3 due from any income generated through the use of property that certain creditors may
4 assert belongs to them.”

5 Exhibit D shows a customer support message from Giga Watt Inc. on January 16th, 2019
6 that clearly shows there was no question customers owned the machines. The message states:

7 “There are some remaining personal pick-ups and/or shipments to **customers whose**
8 **equipment had already been removed from the facilities prior to lockouts.** Customers
9 will receive an email notification within the next two (2) weeks with the tracking
10 information for their shipments. Please note, if you do not receive an email notification,
11 this means that **your equipment remains in the locked facilities** and any further
12 information relative to **your equipment** will not be known, or available, pending current
13 legal proceedings. This also means that if **you have equipment remaining at the facilities**
14 **and are attempting to sell said equipment, it will not be available to access and/or**
15 **ship to anyone.”**

16 Exhibit E shows an email from Giga Watt Inc. dated October 5th, 2017 that clearly
17 communicated to customers that they had an option to 1) ship their mining machines to another
18 location or 2) resell them if they did not want to wait until the infrastructure was completed.

19 DATED this 30th day of November, 2020.

20 *Jun Dam*

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